

Attorney Docket No: 7175-65430
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kip Van Steenburg Confirmation No. 6205
Serial No.: 09/660,433 Art Unit: 3673
Filed: September 7, 2000 Examiner: Trettel, Michael
For: Leg Holder System For Simultaneous Positioning In The Abduction And
Lithotomy Dimensions

NOTICE OF APPEAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Barnes & Thornburg Customer No: 23643 U.S. Patent and Trademark Office

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the primary examiner mailed 15 June 2009 in the above-captioned application.

In a telephone conversation with Examiner Trettel on 14 December 2009, Examiner Trettel indicated that applicant's 22 September 2009 response to the final office action places the application in condition for allowance. Specifically, the examiner indicated that he will send an examiner's summary of the interview confirming that the application is in condition for allowance and will subsequently complete the papers necessary for issuance of a notice of allowance.

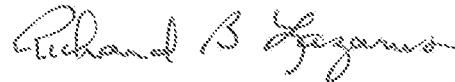
Out of an abundance of caution, applicant is filing this notice of appeal with authorization for charging any necessary fee in order to avoid any possibility of an abandonment due to delay by the U.S. Patent and Trademark Office in issuing an appropriate Notice of Allowance.

Accordingly, the fee under 37 C.F.R. §1.17(b)(1) for an appeal is authorized to be charged to Barnes & Thornburg LLP Deposit Account No. 02-1010 (7175-65430).

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (7175-65430).

Respectfully submitted,

BARNES & THORNBURG LLP



Date: 14 December 2009

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